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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Werling et al.	)
Serial No.:	10/035,821	) Art Unit: 1615
Filed:	October 19, 2001	) Examiner: Simon J. Oh
Title:	Method for Preparing Submicron Particle Suspensions with Polymorph Control	) Confirmation No. 2470
Docket No.:	CPIFT-5657A-1 CIP 1	)

TERMINAL DISCLAIMER PURSUANT TO 37 CFR 1.321

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent number 6,607,784 ("Prior Patent"), or which would extend beyond the expiration date of any patent granted on Application number 09/874,499, filed June 5, 2001; Application number 09/874,637, filed June 5, 2001; Application number 09/953,979, filed September 17, 2001; and Application number 10/021,692, filed December 12, 2001 (the Applications collectively, "Prior Applications") as shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the Prior Applications and the Prior Patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the Prior Patent and Prior

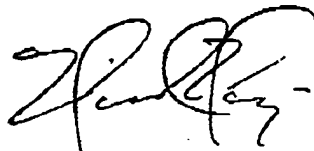
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Applications, in the event that such Prior Patent or Prior Applications later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term.

Respectfully submitted,



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